

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 308 - By Sarpalius: Extending congratulations to Kenny King.

S.R. 310 - By Williams: Extending welcome to Patrick Aaron Cashion, "Honorary Page" for today.

S.R. 311 - By Doggett: Extending welcome to Nick Nuspl, "Honorary Page" for today.

ADJOURNMENT

On motion of Senator Brooks the Senate at 12:25 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

THIRTIETH DAY
(Wednesday, March 4, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President Pro Tempore, Senator Traeger.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Parker, Richards, Sarpalius, Short, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Our Father, remind us that the most important question facing mankind is not whether we evolved from the apes, but whether we shall keep from degenerating back into apes. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senators McKnight, Ogg, Santiesteban and Snelson were granted leave of absence for today on account of official State business on motion of Senator Brooks.

CO-AUTHOR OF SENATE BILL 248

On motion of Senator Mengden and by unanimous consent, Senator Sarpalius will be shown as Co-author of S.B. 248.

CO-AUTHOR OF SENATE BILL 249

On motion of Senator Mengden and by unanimous consent, Senator Sarpalius will be shown as Co-author of S.B. 249.

CO-AUTHOR OF SENATE BILL 724

On motion of Senator Caperton and by unanimous consent, Senator Brown will be shown as Co-author of S.B. 724.

REPORTS OF STANDING COMMITTEES

Senator Jones submitted the following report for the Committee on Finance:

H.B. 559
S.B. 391
S.B. 392

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 493
S.B. 506
C.S.S.B. 596 (Read first time)

Senator Blake submitted the following report for the Committee on Administration:

S.B. 64
S.C.R. 37
S.C.R. 48
S.C.R. 6 (Amended)

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 430
C.S.S.B. 555 (Read first time)
C.S.S.B. 431 (Read first time)

Senator Truan, Vice-Chairman, submitted the following report for the Committee on Education:

S.B. 465
S.B. 682
C.S.S.B. 142 (Read first time)

Senator McKnight submitted the following report for the Subcommittee on Nominations:

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

We, your Subcommittee on Nominations, to which were referred the following appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be Members of the Board of Trustees - TEACHER RETIREMENT SYSTEM OF TEXAS: Dr. Lee R. Williamson, Wichita County; Robert R. Ashworth, Randall County (appointed by Texas Education Agency); Edward H. Wicker, Bee County.

To be Members of the TEXAS HISTORICAL COMMISSION: Mrs. H.R. (Peggy) Bright, Dallas County; Louis P. Terrazas, Bexar County.

To be Members of the Board of Directors - BRAZOS RIVER AUTHORITY: John E. Birdwell, Jr., Lubbock County; Netum A. Steed, Wichita County; Harry Trippet, McLennan County.

To be Members of the Board of Directors - ANGELINA AND NECHES RIVER AUTHORITY: Don T. Forse, Jasper County; Samuel D. Griffin, Angelina County; Peyton Lake, Smith County; Steve Lilly, Nacogdoches County.

To be a Member of the Board of Directors - LOWER COLORADO RIVER AUTHORITY: Milton Jay Anderson, Colorado County.

To be Members of the Board of Directors - COASTAL INDUSTRIAL WATER AUTHORITY: John Fonteno, Jr., Harris County; Buster E. French, Liberty County; Johnnie Glen Jennings, Chambers County.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 793 by Caperton State Affairs
Relating to the investigation of offenses committed in a facility of the Texas Department of Corrections.

S.B. 794 by Howard, Glasgow, Intergovernmental Relations
Blake
Relating to authority of a justice of the peace in certain counties to collect fees and process checks or similar sight orders.

S.B. 795 by Parker Economic Development
Relating to the creation of criminal offenses for and civil actions against use, manufacture, distribution, or sale of unauthorized devices to intercept subscription television service.

S.B. 796 by Williams, Brooks, Natural Resources
Parker, Brown
Relating to licenses and seasons for taking oysters.

S.B. 797 by Brown State Affairs
Relating to the purchase of precious metal and certain items made of precious metal; providing penalties.

S.B. 798 by Leedom Jurisprudence
Relating to punishment for the offense of driving while intoxicated.

S.B. 799 by Ogg Committee of the Whole Senate
Relating to apportionment of the state into congressional districts.

S.B. 800 by Ogg Committee of the Whole Senate
Relating to apportionment of the state into senatorial districts.

S.B. 801 by Harris Economic Development
Relating to the regulation of persons who practice public accountancy.

S.B. 803 by Parker Economic Development
Relating to toilet and drinking water facilities in locomotives and cabooses;
providing a penalty.

S.B. 804 by Santiesteban Jurisprudence
Relating to prosecution by the attorney general of the offense of violation of the
civil rights of a prisoner.

S.B. 805 by Harris State Affairs
Relating to reducing the number of multiple voter registrations of the same
person.

S.B. 806 by Jones Finance
Relating to the disposition and allocation of certain state revenue and to the
elimination of the tax clearance fund and certain tax enforcement funds.

S.B. 807 by Jones Economic Development
Relating to standards of valuation for insurance certificates of fraternal benefit
societies.

S.B. 808 by Ogg Intergovernmental Relations
Relating to the creation of nine judicial districts composed of Harris County.

S.B. 809 by Ogg Economic Development
Relating to close corporations.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and
referred to the Committee indicated:

H.B. 427, To Committee on Education.

H.B. 4, To Committee on Finance.

SENATE RESOLUTION 312

Senator Uribe, for Senator Santiesteban, offered the following resolution:

WHEREAS, Miss Diane Durnford of El Paso is the reigning Miss Texas
and is hopeful of achieving the Miss Universe title; and

WHEREAS, This lovely young lady, who is currently touring the state, is
truly representative of the beauty, talent, and scholarship so abundant among
the womanhood of Texas; and

WHEREAS, The Texas Senate on this day is honored by the presence of
Miss Durnford; now, therefore, be it

RESOLVED, That the Senate of the 67th Texas Legislature hereby
congratulate Miss Diane Durnford on the prestigious honor of being selected

Miss Texas and extend an official welcome to her on the occasion of her visit to the Capitol; and, be it further

RESOLVED, That a copy of this resolution, under the Seal of the Senate, be prepared for Miss Durnford as a token of high esteem from the Senate of the State of Texas.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Uribe and by unanimous consent, the resolution was considered immediately and was adopted.

GUEST PRESENTED

Senator Uribe was recognized, escorted Miss Durnford to the President's Rostrum and presented her to the Members of the Senate.

Miss Durnford expressed her appreciation to the Senate.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
March 3, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE GOVERNING BOARD OF THE TEXAS SCHOOL FOR THE BLIND:

For a six-year term to expire January 31, 1987:

The following are being reappointed:

JOHN WATSON of Sulphur Springs, Hopkins County.

DOROTHY JO KNIGHT of Lubbock, Lubbock County.

OLIVIA CHAVEZ BLUNDELL of El Paso, El Paso County.

TO BE A MEMBER OF THE UPPER GUADALUPE RIVER AUTHORITY BOARD OF DIRECTORS:

For a six-year term to expire November 1, 1986:

E. C. (CLYDE) PARKER, JR. of Kerrville, Kerr County, is being reappointed.

TO BE A MEMBER OF THE GOVERNING BOARD OF THE TEXAS SCHOOL FOR THE DEAF:

For a six-year term to expire January 31, 1987:

The following are being reappointed:

MARJORIE MOORE of Fort Clark Springs, Brackettville, Kinney County.

JACK W. PRESCOTT of Temple, Bell County.
GLYNN WHITTEMORE of Houston, Harris County.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
March 4, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE; REGULAR SESSION:

Pursuant to Article III, Section 5 of the Constitution of Texas, I hereby submit as an emergency matter the following:

- 1). There are some ambiguities concerning the right-to-work statutes in Texas. Senate Bill 264 by Mengden would clear these up and so that the Legislature may immediately consider this I declare it as an emergency matter.
- 2). The Texas A & M Engineering Extension Service needs to modify the facilities at the Brayton Firemen Training Field to meet federal and state regulations for wastewater discharge. So that these modifications can be made in time for summer training of Texas Firefighters I declare House Bill 1209 by Presnal which appropriates \$565,000 for this as an emergency matter.
- 3). So the Legislature may begin consideration of legislation concerning student loans guaranteed by the Texas Guaranteed Student Loan Corporation and the power and authority of higher education authorities or non-profit corporations acting in lieu of such authorities relative to the purchase of student loans, I declare the subject matters of Senate Bill 17 by Harris and House Bill 715 by Nabers as an emergency matter.

Respectfully submitted,

/s/W.P. Clements
Governor

RESOLUTIONS SIGNED

The President Pro Tempore announced the signing in the presence of the Senate the following resolutions:

S.C.R. 43
S.C.R. 44

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Andujar gave notice that she would tomorrow submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

HOUSE BILL 277 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 277, Relating to a supplemental appropriation to the Governors' Committee on Aging to help fund area agencies on aging programs. (Submitted by Governor as an emergency)

The bill was read second time and was passed to third reading.

HOUSE BILL 277 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 277** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 382 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 382, Relating to the financing of manufactured home credit transactions.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 382 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 382** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

SENATE CONCURRENT RESOLUTION 27 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time:

S.C.R. 27, Encouraging the Merit System Council to continue to develop and implement affirmative action programs for disabled persons.

The resolution was read second time and was adopted by the following vote: Yeas 27, Nays 0.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

SENATE BILL 337 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 337, Relating to abolition of the State Board of Library Examiners and regulation of county librarians by the Texas State Library and Archives Commission.

The bill was read second time and was passed to engrossment.

SENATE BILL 337 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 337** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

The bill was read third time and was passed.

SENATE BILL 536 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 536, Relating to the adoption of an interstate compact concerning violations of certain traffic offenses by nonresidents.

The bill was read second time and was passed to engrossment.

SENATE BILL 536 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 536** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Mauzy, Meier, Mengden, Parker, Richards, Sarpalus, Short, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Leedom.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

SENATE BILL 164 ON SECOND READING

On motion of Senator Wilson and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 164, Relating to the time that a detention hearing under Title 3, Family Code, is required.

The bill was read second time and was passed to engrossment.

SENATE BILL 164 ON THIRD READING

Senator Wilson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 164** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

SENATE BILL 402 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 402, Relating to continuation of the State Board of Registration for Professional Engineers and the regulation of engineers.

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Amend **S.B. 402**, Sec. 21, page 11, by striking Sec. 21 and substituting in lieu thereof the following:

“Section 21. Reciprocity. The Board may, upon application therefor, and the payment of a fee, issue a certificate of registration as a professional engineer to any person who holds a certificate of qualification or registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any state or territory or possession of the United States, or any country provided that the requirements for the registration of professional engineers under which said certificate of qualification or registration was issued do not conflict with the provisions of this Act and are of a standard not lower than that specified in Section 12 of this Act. The Board may in a proper case waive any license requirement for an applicant with a valid license from another state having license requirements substantially equivalent to those of this state.”

The committee amendment was read and was adopted.

Senator Harris offered the following committee amendment to the bill:

Amend **S.B. 402**, Section 22B by striking subsection (b) on page 15 and relettering the subsections appropriately.

The committee amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 402 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 402** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

MOTION TO PLACE SENATE BILL 528 ON SECOND READING

Senator Parker asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 528, Relating to time off from work to attend political conventions.

There was objection.

Senator Parker then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 528** for consideration at this time.

The motion was lost by the following vote: Yeas 22, Nays 5. (Not receiving four-fifths vote of Members)

Yeas: Andujar, Blake, Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Leedom, Mauzy, Meier, Mengden, Parker, Short, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Brown, Howard, Jones, Richards, Sarpalius.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 388 ON SECOND READING**

Senator Doggett asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

C.S.S.B. 388, Relating to tape recording of closed meetings by governmental bodies with statewide jurisdiction; providing a penalty.

There was objection.

Senator Doggett then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **C.S.S.B. 388** for consideration at this time.

The motion was lost by the following vote: Yeas 18, Nays 9. (Not receiving four-fifths vote of Members)

Yeas: Blake, Brooks, Caperton, Doggett, Farabee, Glasgow, Kothmann, Leedom, Mauzy, Meier, Mengden, Parker, Short, Traeger, Truan, Uribe, Vale, Williams.

Nays: Andujar, Brown, Harris, Howard, Jones, Richards, Sarpalius, Travis, Wilson.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

SENATE BILL 320 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 320, Relating to pilot programs and services for deaf-blind multihandicapped individuals.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Howard asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 320 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 320 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Leedom, Mauzy, Meier, Mengden, Parker, Richards, Sarpalius, Short, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Howard, Jones.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

(Senator Brooks in Chair)

The bill was read third time and was passed by the following vote: Yeas 25, Nays 2.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Leedom, Mauzy, Meier, Mengden, Parker, Richards, Sarpalius, Short, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Howard, Jones.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

MESSAGE FROM THE HOUSE

House Chamber
March 4, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 235, Relating to application of the nepotism law to confirmation of certain appointees.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives